

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ADOPTION CAUSE NO 34 OF 2004**

IN THE MATTER OF THE CHILDREN ACT

AND

IN THE MATTER OF BABY A – INFANT

JUDGEMENT

On 26th January 2004 NRP and NAMNA way of Originating Summons seeking inter-alia for orders to adopt an infant child known as Baby A (hereinafter called “the Infant”).

On 20th February 2004 Mary Wamboi Njuguna was duly appointed as guardian ad litem of the said Infant. When the said application for adoption came for hearing on 4th June 2004 the said guardian ad litem together with Alphaxard Chabari an Adoption Officer with Child Welfare Society of Kenya and J.N. Ndungu(Mrs) a Chief Children’s Officer with the Children’s Department duly presented their respective reports on both the Applicants and the Infant.

The said Infant comes to this court through the said guardian as an abandoned child. He was abandoned at birth at PMH Nairobi on 19th June 2003 the presumed date of his birth and thereafter admitted on 7th July 2003 to MNCH a child rescue center in Nairobi. He was placed with the Applicants for foster care on 26th September 2003. The Infant has remained under the good care of the said Applicants since then.

The Applicants are man and wife and are respectively of Dutch and Beninese nationalities but are both resident in Kenya. According to the reports filed, the said Applicants are fit and proper persons capable of adopting and providing due parental care and attention to the said Infant. The Applicants have not begotten biological children due to medical problems, but are otherwise both physically and medically fit. In accordance with the said reports, the Applicants have duly complied with the applicable provisions of the Children Act (Act No. 8 of 2001). The said Infant also duly qualifies for adoption having been assessed and declared free for adoption by a registered adoption society as provided under the said Act.

I have duly considered all the aforesaid reports together with the representations made and the pleadings filed herein. I am convinced that the adoption sought by the Applicants shall be in the best interest of the said Infant. In pursuance of the said application and circumstances of this matter, I further dispense with the production of necessary statutory consent as provided under section 159(1) (a) (i) (c) of the aforesaid Act.

I accordingly order that the said Infant be and is hereby adopted by the said Applicants. I further order that the said Infant be renamed ASH henceforth and direct the Registrar-General to make appropriate entries in the Adopted Children Register accordingly.

DATED DELIVERED AND SIGNED at Nairobi this 25th day of June 2004.

P.J. KAMAU

AG. JUDGE